

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DEL-MAUR FARMS, INC.,	)	
a Nebraska Corporation,	)	
	)	4:04CV3282
Plaintiff,	)	
	)	
v.	)	
	)	MEMORANDUM AND ORDER
CARGILL, INCORPORATED d/b/a	)	
Cargill Animal Nutrition and	)	
EXCEL CORPORATION, a Delaware	)	
Corporation,	)	
	)	
Defendants.	)	

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Upon consideration of pending matters,

IT IS ORDERED:

1. Defendants' motion for leave to redepose David Higbea and Ed Boos, filing 105, is denied, for the reasons that the defendants have failed to show any serious need or good cause for additional depositions of these non-party witnesses and the additional depositions would be unduly burdensome on these deponents in relation to the lack of need shown by the defendants.

2. The stipulation of the parties, filing 124, regarding the deposition of plaintiff's representative, Lynn Smith, is approved, and

a. The motion for leave to take additional deposition of Lynn Smith, filing 104, is deemed withdrawn; and

b. The defendants' motion to compel discovery, filing 114, is deemed withdrawn.

3. The stipulation of the parties regarding the deposition of Michael Braun, filing 123, is approved.

DATED this 28<sup>th</sup> day of July, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge